

F. Conclusion

This is submitted to be a complete response to the referenced Office Action. In conclusion, Applicant submits that, in light of the foregoing remarks, the present case is in condition for allowance and such favorable action is respectfully requested.

The Examiner is invited to contact the undersigned at (512)536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: 11/12/02



APPENDIX A: MARKED VERSION OF AMENDMENTS

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In the Specification:

Please replace the paragraph beginning at page 5, line 12, with the following:

-- The invention also concerns seed of the inbred corn variety I026458. A sample of this seed has been deposited under ATCC Accession [No. - - - - -] No. PTA-3228. The inbred corn seed of the invention may be provided as an essentially homogeneous population of inbred corn seed of the variety designated I026458. Essentially homogeneous populations of inbred seed are those that consist essentially of the particular inbred seed, and are generally free from substantial numbers of other seed, so that the inbred seed forms between about 90% and about 100% of the total seed, and preferably, between about 95% and about 100% of the total seed. Most preferably, an essentially homogeneous population of inbred corn seed will contain between about 98.5%, 99%, 99.5% and about 99.9% of inbred seed, as measured by seed grow outs. This corresponds to current commercial practice among the leading companies in the seed industry.--

Please replace the paragraph beginning at page 10, line 18, with the following:

-- In still yet another aspect, the present invention provides a method of producing an inbred corn plant derived from the corn variety I026458, the method comprising the steps of: (a) preparing a progeny plant derived from corn variety I026458, wherein said preparing comprises crossing a plant of the corn variety I026458 with a second corn plant, and wherein a sample of the seed of corn variety I026458 has been deposited under ATCC Accession [No. - - - - -] No. PTA-3228; (b) crossing the progeny plant with itself or a second plant to produce a seed of a progeny plant of a subsequent generation; (c) growing a progeny plant of a subsequent generation

from said seed of a progeny plant of a subsequent generation and crossing the progeny plant of a subsequent generation with itself or a second plant; and (d) repeating steps (c) and (d) for an addition 3-10 generations to produce an inbred corn plant derived from the corn variety I026458. In the method, it may be desirable to select particular plants resulting from step (c) for continued crossing according to steps (b) and (c). By selecting plants having one or more desirable traits, an inbred corn plant derived from the corn variety I026458 is obtained which possesses some of the desirable traits of corn variety I026458 as well potentially other selected traits.--

Please replace the paragraph beginning at page 22, line 17, with the following:

-- **I026458:** The corn plant variety from which seeds having ATCC Accession [No. - - - - -] No. PTA-3228 were obtained, as well as plants grown from those seeds.--

Please replace the paragraph beginning at page 29, line 8, with the following:

--A representative deposit of 2500 seeds of the inbred corn variety designated I026458 has been made with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA on [(_____, ____)] March 26, 2001. Those deposited seeds have been assigned ATCC Accession [No. - - - - -] No. PTA-3228. The deposit was made in accordance with the terms and provisions of the Budapest Treaty relating to deposit of microorganisms and was made for a term of at least thirty (30) years and at least five (05) years after the most recent request for the furnishing of a sample of the deposit is received by the depository, or for the effective term of the patent, whichever is longer, and will be replaced if it becomes non-viable during that period.--

In the Claims:

Please amend claim 22 as follows:

22. (Twice Amended) The process of claim 21, further defined as a process of producing F1 hybrid corn seed, comprising crossing a first inbred corn plant with a second, distinct inbred corn plant, wherein the first or second inbred corn plant is a plant of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession No. PTA-3228.